

following: "Salaries of three dining-room girls and chamber maids, at not to exceed \$20 per month, \$720, \$720."

Adopted.

By Senator Darwin:

Amend by adding the following after the word "mileage" on page 15, in line 15: "Provided, no part of the groceries shall be used in the support of the superintendent or family and assistant superintendents or their families."

Senator Beall moved to lay the amendment on the table.

Lost by the following vote:

Yeas—9.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Lewis.	Ross.
Linn of Victoria.	Stone.

Nays—13.

Boren.	Harrison.
Bowser.	Kerr.
Burns.	Neal.
Darwin.	Tillett.
Gough.	Woods.
Greer.	Yantis.

Absent.

Colquitt.	Terrell.
Dibrell.	Turney.
Goss.	Yett.
Stafford.	

Excused.

Linn of Wharton. Wayland.

The amendment was then adopted by the following vote:

Yeas—16.

Atlee.	Harrison.
Beall.	Kerr.
Boren.	Neal.
Bowser.	Presler.
Burns.	Ross.
Darwin.	Tillett.
Gough.	Woods.
Greer.	Yantis.

Nays—6.

Bailey.	Morriss.
Dibrell.	Rogers.
Linn of Victoria.	Stone.

Absent.

Colquitt.	Terrell.
Goss.	Turney.
Lewis.	Yett.
Stafford.	

Excused.

Linn of Wharton. Wayland.

By Senator Darwin:

Amend by striking out line 22, on page 15, and figures "\$750" in each column.

Lost.

SOUTHWESTERN INSANE ASYLUM.

By Senator Lewis:

Amend by striking out line 22, on page 18, and insert in lieu thereof the following: "Additional appropriations made for the Southwestern Insane Asylum, to comport with provisions made for additional buildings for the accommodation of more inmates:

	1898.	1899.
Groceries, etc.	\$7,500	\$15,000
Dry goods and clothing.	1,750	3,500
Beds and furniture....	1,500
Assistant supervisor....	180	360
Five attendants.....	600	1,200
Three laundresses.....	360	720

Adopted.

By Senator Darwin:

Amend page 17, line 6, by adding after the word "mileage" the following: "Provided, that no part of the groceries shall be used in the support of the superintendent or family and assistant superintendent or their families."

Pending action,

Senator Greer entered a motion to reconsider the vote by which the third amendment offered to the State Asylum Department, offered by Senator Darwin, was adopted.

On motion of Senator Darwin, the Senate adjourned to 10 a. m. to-morrow.

EIGHTY-FIRST DAY.

Senate Chamber,

Austin, Tex., Tuesday, April 27.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Bailey.	Linn of Victoria.
Beall.	Morriss.
Burns.	Neal.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Greer.	Tillett.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.

Absent.

Atlee.	Stafford.
Boren.	Stone.
Bowser.	Turney.
Gough.	Yett.

Excused.

Linn of Wharton.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Through the silent shades of the night Thy all-seeing eye watched even us, and our slumber was sweet and refreshing because of our confidence in Thy providence. Give us the grace of patience, the light of divine insight and strength of thought as special preparation for the day. Give us endurance of body and mind, that we may be equal to our chosen task. Bless our homes and loved ones, and may a loving providence keep vigil over them. "In Thy love, oh God, have mercy; in Thy love, forgive our sins." Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

PETITIONS AND MEMORIALS.

The Chair laid before the Senate the following petition:

Galveston, Texas, April 26, 1897.

To the Honorable Members of the State Senate.

Gentlemen: We, the following organizations connected with the Labor Legislative Council of Galveston, do hereby petition you to vote and use your influence to have the "text-book bill," now under consideration, enacted into law: Carpenters and Joiners No. 526, Carpenters and Joiners No. 611, Typographical union No. 28, Retail Clerks' union No. 230, Musicians' union No. 71, Cotton Mill Workers No. 6499, Building Laborers No. 6694, Laundry Workers' union No. 6802, Brewery Workers' union No. 130, Machinists' union No. 6, Bricklayers' union No. 1, Plumbers' and Gasfitters' union No. 113, Printing Pressmen No. 25, Sheet Metal Workers No. 43, Electrical Workers' union No. 71, Street Railway Employees No. 78, Cooks and Waiters' union No. 69, Tailors' union No. 152, Federal Labor union No. 6853, Bookbinders' union No. 50, Locomotive Firemen No. 115, American Railway union No. 14, Journeymen Barbers' union No. 62, Painters' and Decorators' union No. 176, Lathers' union No. 1. The industrial masses of the State are laboring under a burden almost unbearable through the present system, and many children of poor families are prevented getting an education or the advantages of our public schools on account of the lack of funds to buy books. One serious objection the poor

man has to the present system is that when he loses his position in Galveston and is compelled to seek employment in Austin, or any other city in Texas, it makes it necessary for him to provide other school books for his large family of children, and the ones they purchase in Galveston are made useless. Very respectfully,

D. B. SKINNER, Speaker;
HENRY M. WALKER,
Corresponding Secretary.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 367, a bill to be entitled "An act to compel the commissioners' courts of the several counties of the State of Texas to advertise for bids upon all contracts made by said courts when the contract price shall be equal to or exceed the sum of \$500, and to prescribe the manner and mode of such advertisement,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 591, a bill to be entitled "An act to restore and confer upon the county court of Lampasas county the criminal and civil jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the district court of said county to such change, to fix the term for holding court, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 372, a bill to be enti-

tled "An act to amend the caption and sections 1, 2, 3 and 4 of an act entitled 'An act to amend sections 6, 7, 105, 105a, 105b and 105c, of an act entitled An act to amend sections 38, 103, 105 106 and 108 of and act entitled An act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88, and 102 of said act, as amended by the Twenty-second Legislature in 1891; and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106a, 106b, and also 105a, 105b and 105c, in reference to the Board of Equalization, and providing for an appeal from said board to the district court, passed by the Legislature of Texas in the year of 1895, and to add to said act the following sections, to-wit, 105d, 105e, 105f, 105g, 105h, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act, passed by the Twenty-fifth Legislature in the year 1897, and to re-enact the caption and section 1, 2, 3 and 4 of said act, as the same are hereby amended, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Bailey:

Senate bill No. 372, a bill to be entitled "An act to amend the caption and sections 1, 2, 3 and 4 of an act entitled 'An act to amend sections 6, 7, 105, 105a, 105b and 105c, of an act entitled An act to amend sections 38, 103, 105, 106 and 108 of and act entitled An act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88, and 102 of said act, as amended by the Twenty-second Legislature in 1891; and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106a, 106b, and also 105a, 105b and 105c, in reference to the Board of Equalization, and providing for an appeal from said board to the district court, passed by the Legislature of Texas in the year of 1895, and to add to said act the following sections, to-wit, 105d, 105e, 105f, 105g, 105h, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act, passed by the Twenty-fifth Legislature in the year 1897, and to re-enact the caption and section 1, 2, 3 and 4 of said act, as the

same are hereby amended, and to repeal all laws and parts of laws in conflict with this act,"

Read first time and referred to Committee on Towns and City Corporations.

By Senator Bailey:

Senate bill No. 373, a bill to be entitled "An act to amend article 3909a, title 86, chapter 7, of the Revised Civil Statutes of Texas, relating to the course of study taught in the public free schools of Texas."

Read first time and referred to Committee on Education.

By Senator Gough:

Senate bill No. 374, a bill to be entitled "An act requiring clerks of the Supreme Court and Courts of Civil Appeals to issue and return mandates in civil causes within 90 days from the time they can be returned by law, and to provide for dismissal of causes when mandates are not returned."

Read first time and referred to Judiciary Committee No. 1.

Call concluded.

Senator Burns called up,

Senate bill No. 33, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers and farm hands; to provide a lien and to prescribe the time of payments and in lawful money of the United States, and providing for attorney's fees in foreclosing such liens and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act,"

Which had passed the House with the following amendments:

Amend by striking out of the provisions of said bill section 4, page 3.

Amend by inserting the words "receiver or receivers" after the word "agents" wherever it occurs in the bill.

Amend by striking out lines 30, 31 and 32, on page 2, and lines 1, 2 and 3 on page 3.

Amend by striking out in line 30, page 3, the words "an emergency and," and also all of section 8 after the word "suspended" in line 1, on page 4.

Amend section 1, in line 26, by adding after the word "farm" the following, "or in any livery stable or wood yard, or in any lumber business, or upon any stock ranch."

Amend by striking out the words

"upon agricultural products" in line 6, page 2, and the words "on the same" in line 7, page 2, and insert in lieu of the latter the words "now provided by law."

Senator Burns moved that the Senate concur in the House amendments.

Senator Beall moved as a substitute that the House amendments be published in the Journal, and that consideration of the bill be postponed until to-morrow.

Carried.

SPECIAL ORDER AND PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Substitute Senate bill No. 41, a bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes."

Action being on the following amendment to the Southwestern Insane Asylum:

By Senator Darwin:

Amend page 17, line 6, by adding after the word "mileage" the following: "Provided, that no part of the groceries shall be used in the support of the superintendent or family and assistant superintendents or their families."

Lost by the following vote:

Yeas—7.

Darwin.	Tillett.
Harrison.	Woods.
Ross.	Yantis.
Terrell.	

Nays—13.

Bailey.	Lewis.
Beall.	Linn of Victoria.
Burns.	Morriss.
Colquitt.	Neal.
Dibrell.	Rogers.
Goss.	Wayland.
Greer.	

Absent.

Atlee.	Presler.
Boren.	Stafford.
Bowser.	Stone.
Gough.	Turney.
Kerr.	Yett.

Excused.

Linn of Wharton.

By Senator Lewis:

Amend by adding after line 21, page 18, the following: "For building infirmary, \$12,000 for 1898."

Adopted.

By Senator Yantis:

Amend by striking out "seeds and tools" in line 15, page 17.

Lost.

By Senator Linn of Victoria:

Amend page 17, line 4, by adding after the words "as may be necessary" the words "at \$20 per month."

By Senator Rogers:

Substitute for amendment: Amend by adding "not to exceed \$20 per month."

Senator Linn accepted the substitute.

The substitute was adopted.

Senator Greer called up his motion to reconsider the vote by which the following amendment to the State Asylum was adopted:

By Senator Darwin:

Amend by adding the following after the word "mileage" on page 15, in line 15: "Provided, no part of the groceries shall be used in the support of the superintendent or family and assistant superintendents or their families."

Reconsidered.

The amendment was then lost.

NORTH TEXAS INSANE ASYLUM.

By Senator Colquitt:

Amend by striking out all of line 12, page 20.

Adopted.

By Senator Morriss:

Amend by adding after the word "room" in line 27, page 20, as follows, "and for putting into this building, under the supervision of the superintendent, a system of fan ventilators, to be operated by the steam machinery now used in this asylum, the sum of \$5000, or so much thereof as may be necessary for this purpose."

Lost by the following vote:

Yeas—6.

Bailey.	Linn of Victoria.
Burns.	Morriss.
Lewis.	Ross.

Nays—16.

Beall.	Neal.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.

Absent.

Atlee.	Stafford.
Boren.	Stone.
Bowser.	Turney.
Greer.	Yett.

Excused.

Linn of Wharton.

Pending action, the following privileged committee reports were made:

MAJORITY REPORT.

Committee Room,
Austin, Texas, April 26, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing penalties for the violation of the provisions of this act, and declaring an emergency."

And find the same correctly engrossed.

GOUGH, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

A minority of your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure for use in the public free schools of this State a series of uniform text-books, defining the duties of certain officers therein named with reference thereto, making appropriation therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency,"

And find the same not correctly engrossed, because that the first committee amendment, to-wit, adding to section 1 after the words "of writing books" the words "English composition, physical geography, physics, algebra and elements of geometry" was neither adopted nor rejected by the Senate and is still pending and undisposed of, and engrossment of said bill can not be properly and correctly made until the same is disposed of.

DIBRELL, for Minority.

Senator Presler moved the adoption

of the majority report, and the same was adopted.

Senator Presler moved that further consideration of the pending business be postponed until 3 p. m., and that the Senate take up on third reading and final passage Senate bill No. 258 (text-book bill).

Lost by the following vote:

Yeas—14.

Bailey.	Harrison.
Boren.	Kerr.
Bowser.	Morriss.
Colquitt.	Presler.
Darwin.	Terrell.
Goss.	Woods.
Gough.	Yantis.

Nays—8.

Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Tillett.
Greer.	Wayland.

Yea. Paired. Nay.

Stone.	Lewis.
Rogers.	Turney.

Absent.

Atlee.	Stafford.
Neal.	Yett.

Excused.

Linn of Wharton.

The question recurring on the consideration of the North Texas Insane Asylum,

By Senator Yantis:

Amend by striking out line 15, on page 20.

Adopted.

(Senator Rogers in the chair.)

THE BLIND ASYLUM

Department was then read.

By Senator Colquitt:

Amend line 24, page 24, by striking out \$240 in each column and insert in lieu thereof \$300.

Adopted.

By Senator Colquitt:

Amend line 25, page 21, by striking out \$240 in each column and insert \$225 in lieu thereof.

Adopted.

By Senator Colquitt:

Amend line 5, page 22, by striking out \$750 in each column, and in lieu of it insert \$1000 in each column.

Adopted.

By Senator Colquitt:

Amend by striking out all of line 6, page 22, and insert the following: "For relaying and casing heating pipes, \$500."

The vote on the amendment disclosing no quorum.

Senator Colquitt moved a call of the Senate for the purpose of securing a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Bailey.	Lewis.
Beall.	Linn of Victoria.
Burns.	Morriss.
Colquitt.	Neal.
Darwin.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	

Absent.

Atlee.	Stone.
Boren.	Turney.
Bowser.	Yantis.
Presler.	Yett.
Stafford.	

Excused.

Linn of Wharton.

Quorum present.

The amendment (Colquitt's) was then adopted by the following vote:

Yeas—19.

Bailey.	Linn of Victoria.
Beall.	Morriss.
Burns.	Neal.
Colquitt.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—2.

Darwin.	Harrison.
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Absent.

Atlee.	Stone.
Boren.	Turney.
Bowser.	Yantis.
Presler.	Yett.
Stafford.	

Excused.

Linn of Wharton.

By Senator Colquitt:

Amend by adding between 7 and 8, on page 22, the following in first column: "For painting, \$500."

Adopted.

THE DEAF AND DUMB ASYLUM was then read.

By Senator Beall:

Amend by striking out in line 32, page 22, \$600 where it occurs, and insert in lieu thereof \$720.

Adopted.

By Senator Colquitt:

Amend page 23, line 15, by striking out \$1000 in each column, and insert \$1500 in each column.

Adopted.

By Senator Beall:

Amend by adding between lines 18 and 19, page 23, the following: "Salary of five trustees, \$300, \$300."

HOUSE OF CORRECTION AND REFORMATORY.

Adopted.

By Senator Harrison:

Amend page 23 by striking out line 29.

By Senator Dibrell:

Substitute for amendment: Amend page 23, line 29, by inserting in lieu of \$120 the sum of \$300.

Pending action,

On motion of Senator Morriss, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Bailey.	Kerr.
Beall.	Lewis.
Bowser.	Morriss.
Burns.	Neal.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Woods.
Greer.	Yantis.
Harrison.	

Absent.

Atlee.	Stone.
Boren.	Turney.
Linn of Victoria.	Wayland.
Ross.	Yett.
Stafford.	

Excused.

Linn of Wharton.

Senator Bailey moved to suspend the regular order of business to take up on second reading,

Senate bill No. 372, a bill to be entitled "An act to amend the city charter of Fort Worth."

Carried by the following vote:

Yeas—21.

Bailey.	Lewis.
Boren.	Morriss.
Bowser.	Neal.
Burns.	Rogers.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	

Nays—none.

Absent.

Atlee.	Stafford.
Beall.	Stone.
Colquitt.	Turney.
Linn of Victoria.	Yett.
Presler.	

Excused.

Linn of Wharton.

Bill read second time, and ordered engrossed.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Lewis.
Beall.	Morriss.
Boren.	Neal.
Bowser.	Rogers.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	

Nays—none.

Absent.

Atlee.	Stafford.
Burns.	Stone.
Colquitt.	Turney.
Linn of Victoria.	Yett.
Presler.	

Excused.

Linn of Wharton.

Bill read third time, and passed by the following vote:

Yeas—23.

Bailey.	Goss.
Beall.	Gough.
Boren.	Greer.
Bowser.	Harrison.
Burns.	Kerr.
Colquitt.	Lewis.
Darwin.	Morriss.
Dibrell.	Neal.

Rogers.	Wayland.
Ross.	Woods.
Terrell.	Yantis.
Tillett.	

Nays—none.

Absent.

Atlee.	Stone.
Linn of Victoria.	Turney.
Presler.	Yett.
Stafford.	

Excused.

Linn of Wharton.

On motion of Senator Neal, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 267, a bill to be entitled "An act to amend article 1706 of the Revised Statutes of the State of Texas, relating to the place of holding elections in cities and towns."

Bill read second time, and ordered engrossed.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Lewis.
Boren.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Greer.	Woods.
Kerr.	Yantis.

Nays—none.

Absent.

Atlee.	Stafford.
Beall.	Stone.
Harrison.	Turney.
Linn of Victoria.	Yett.

Excused.

Linn of Wharton.

Bill read third time, and passed by the following vote:

Yeas—22.

Bailey.	Lewis.
Boren.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.

Nays—none.

Absent.

Atlee. Stafford.
Beall. Stone.
Gough. Turney.
Linn of Victoria. Yett.

Excused.

Linn of Wharton.

On motion of Senator Dibrell, the regular order of business was suspended to take up on second reading,

Senate joint resolution No. 16, granting leave of absence from the State to Judge Eugene Ascher.

Resolution read second time, and ordered engrossed.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Morriss.
Boren.	Neal.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Wayland.
Greer.	Woods.
Kerr.	Yantis.
Lewis.	

Nays—none.

Absent.

Atlee. Stafford.
Beall. Stone.
Gough. Turney.
Harrison. Yett.
Linn of Victoria.

Excused.

Linn of Wharton.

Resolution read third time, and passed by the following vote:

Yeas—21.

Bailey.	Morriss.
Boren.	Neal.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Wayland.
Greer.	Woods.
Kerr.	Yantis.
Lewis.	

Nays—none.

Absent.

Atlee. Gough.
Beall. Harrison.

Linn of Victoria. Turney.
Stafford. Yett.
Stone.

Excused.

Linn of Wharton.

On motion of Senator Burns, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 366, a bill to be entitled "An act for the establishment of a public park on the site of the battle field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor."

Bill read second time, and ordered engrossed.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Lewis.
Boren.	Morriss.
Burns.	Neal.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.

Nays—1.

Bowser.

Absent.

Atlee. Stone.
Beall. Turney.
Linn of Victoria. Yett.
Stafford.

Excused.

Linn of Wharton.

Bill read third time, and passed by the following vote:

Yeas—22.

Bailey.	Lewis.
Beall.	Morriss.
Boren.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.

Nays—1.

Darwin.

Absent.

Atlee. Stone.
Bowser. Turney.
Linn of Victoria. Yett.
Stafford.

Excused.

Linn of Wharton.

On motion of Senator Yantis, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 363, a bill to be entitled "An act to authorize the Texas Central Railroad Company to purchase own and operate the railroad extending from the town of Bremond, in Robertson county, to the town of Ross, in McLennan county, commonly known as the Waco and Northwestern division of the Houston and Texas Central Railway Company, with its appurtenances, or any part thereof, and to authorize a corresponding increase in the authorized aggregate of the bonds and stocks of said Texas Central Railway Company,"

Bill read second time.

By Senator Yantis:

Amend by adding the following:

"Sec. 3. The near approach of the close of the session, and the crowded condition of the calendar create an emergency and an imperative public necessity requiring the constitutional rule to be suspended, which requires bills to be read on three several days in each house, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Adopted.

By Senator Gough:

Amend by adding at the end of section 1 the following: "It is provided, however, that the Texas Central Railroad Company shall be liable for all the outstanding indebtedness of the Waco and Northwestern, of every kind whatsoever."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Yantis, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Beall.	Gough.
Boren.	Greer.
Bowser.	Harrison.
Burns.	Kerr.
Darwin.	Linn of Victoria.
Dibrell.	Morriss.
Goss.	Neal.

Presler.
Rogers.
Ross.
Terrell.

Tillett.
Wayland.
Woods.
Yantis.

Nays—1.

Colquitt.

Absent.

Atlee.
Bailey.
Lewis.
Stafford.

Stone.
Turney.
Yett.

Excused.

Linn of Wharton.

Bill read third time, and passed by the following vote:

Yeas—21.

Beall.
Boren.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Gough.
Greer.
Harrison.
Kerr.

Linn of Victoria.
Morriss.
Neal.
Presler.
Rogers.
Ross.
Terrell.
Tillett.
Wayland.
Yantis.

Nays—1.

Woods.

Absent.

Atlee.
Bailey.
Goss.
Lewis.

Stafford.
Stone.
Turney.
Yett.

Excused.

Linn of Wharton.

On motion of Senator Presler, regular order of business was suspended, to take up on its third reading,

Senate joint resolution No. 6, "A resolution to amend section 1, of article VI, of the Constitution of the State of Texas, so as to require the payment of all poll taxes as a prerequisite to voting; and to provide for submitting the same to a vote of the qualified voters of the State."

Resolution read third time.

By Senator Presler:

Amend the engrossed resolution by striking out "first Tuesday in August, 1897," and inserting in lieu thereof "at the next general election."

Adopted.

On motion of Senator Burns, further consideration of the resolution was postponed, and it was made special order for Monday, May 3, after call.

The Chair gave notice of signing, and did sign in the presence of the Senate after their captions had been read

Senate bill No. 300, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county courts of King and Stonewall counties, to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict herewith."

Substitute Senate bill No. 133, a bill to be entitled "An act to define and prescribe the time for holding terms of the Courts of Civil Appeals in the State of Texas."

Senate bill No. 322, a bill to be entitled "An act to create a more efficient road system for Ellis county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act."

PENDING BUSINESS.

The Chair laid before the Senate substitute Senate bill No. 41 (the general appropriation bill),

Action being on the following amendment and substitute therefor.

By Senator Harrison:

Amend page 23 by striking out line 29.

By Senator Dibrell:

Substitute: Page 23, line 29, insert in lieu of "\$120" the sum of \$600 for salary of chaplain, who shall give his exclusive work to the institution.

(Senator Boren in the chair.)

Senator Yantis moved that the substitute be laid on the table.

Lost by the following vote:

Yeas—10.

Boren.	Linn of Victoria.
Colquitt.	Rogers.
Darwin.	Terrell.
Goss.	Wayland.
Kerr.	Yantis.

Nays—12.

Bailey.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Dibrell.	Ross.
Greer.	Tillett.
Harrison.	Woods.

Yea.	Paired.	Nay.
Lewis.	Beall.	
	Absent.	

Atlee.	Stone.
Gough.	Turney.
Stafford.	Yett.

Excused.

Linn of Wharton.

The substitute was then adopted by the following vote:

Yeas—14.

Bailey.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Ross.
Dibrell.	Tillett.
Greer.	Wayland.
Harrison.	Woods.

Nays—10.

Boren.	Lewis.
Colquitt.	Linn of Victoria.
Darwin.	Rogers.
Goss.	Terrell.
Kerr.	Yantis.

Absent.

Atlee.	Stone.
Gough.	Turney.
Stafford.	Yett.

Excused.

Linn of Wharton.

By Senator Harrison:

Amend page 23, line 25, by striking out \$840 in each column and insert \$1200 in lieu thereof.

Lost.

Senator Harrison entered a motion to reconsider the vote by which the amendment was lost.

By consent, the Senate returned to the consideration of the department of the

ORPHAN'S HOME.

(Lieutenant Governor Jester in the chair.)

By Senator Colquitt:

Amend line 18, page 13, by inserting \$720 in each column in lieu of \$900.

Adopted.

By Senator Colquitt:

Amend line 21, page 13, by inserting \$600 in each column in lieu of \$500.

Adopted.

By Senator Colquitt:

Amend page 13, line 25, by inserting \$15,000 in each column in lieu of \$14,000.

Adopted.

By Senator Colquitt:

Amend page 13, line 29, by striking out "\$400" in each column, and insert "\$500" in lieu thereof.

Lost.

By Senator Colquitt:

Amend page 13, line 26, by inserting \$500 in each column instead of \$600.

Adopted.

By Senator Colquitt:

Amend page 14 by making line 6 read \$2500 for 1898, instead of 1899, and change the amount in line 7 to \$2000 for 1899.

Adopted.

Pending further consideration,

Senator Rogers sent up the following amendments, and asked that they be printed in the Journal before consideration:

Deaf and Dumb Asylum:

Provided, that the interest on all securities held by the Deaf and Dumb Asylum fund is hereby appropriated in part payment of the above appropriations to be paid out of the general revenue.

Texas State Penitentiaries:

The proceeds of all convict labor, and in addition thereto for making up deficiencies in monthly expenses and to purchase material to carry on prison industries, which shall be paid out by the Treasurer on the warrant of the Comptroller whenever demanded by the financial agent of the State penitentiaries, to be used during two years.

State Orphan Asylum:

All of the available fund belonging to the asylum for the support and maintenance; in addition thereto from the general revenue the following:

Pending.

Agricultural and Mechanical College:

In addition to the above, the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby further appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechanical College of Texas shall include in their reports the number and salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and the receipts and expenditures, itemized, of each of these

institutions in the same manner as the law requires the board of regents to report the salaries and number of the faculties and employes and the receipts and expenditures of the University of Texas.

Lunatic Asylum:

Provided, that the interest on all securities held by the lunatic asylum fund is hereby appropriated in part payment of the appropriations for the three lunatic asylums, the remainder of the appropriations to be paid out of the general revenue. All moneys now in or which may hereafter be paid into the treasury for the board and treatment of non-indigent patients, and from sales of personal property of the lunatic asylums of Austin, Terrell and San Antonio shall be paid over to the State Treasurer monthly and credited by him to the general revenue account.

By Senator Bowser:

Department of State:

Strike out in line 16, page 2, \$1600 in each column and insert in lieu thereof \$1800 in each column.

Pending.

By Senator Yantis:

Department of Education:

Amend page 8 by striking out lines 20 to 31, inclusive.

Pending.

By Senator Colquitt:

Southwestern Insane Asylum:

Amend by striking out line 13, on page 17.

Pending.

The department of the

CONFEDERATE HOME

Was then read.

By Senator Tillett:

Amend page 24, line 18, by striking out \$800 where it occurs and put in lieu thereof \$1000.

Senator Terrell moved that the amendment be laid on the table.

Tabled by the following vote:

Yeas—13.

Beall.	Neal.
Bowser.	Ross.
Burns.	Terrell.
Colquitt.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	

Nays—8.

Bailey.	Greer.
Boren.	Harrison.
Darwin.	Morriss.
Dibrell.	Tillett.

Absent.

Atlee. Stafford.
Goss. Stone.
Gough. Turney.
Presler. Yett.
Rogers.

Excused.

Linn of Wharton.

**DEAF AND DUMB AND BLIND
ASYLUM FOR COLORED
YOUTHS.**

Was then read.

By Senator Greer:

Amend by striking out all from lines 5 to 12 inclusive, on page 25, and inserting in lieu thereof the following: "For maintaining quarantine department, each year \$30,000."

Adopted.

By Senator Bowser:

Strike out from and including line 5 to and including line 13, page 25, being all of the quarantine department.

Lost.

**D., D. & D. ASYLUM FOR COLORED
YOUTHS.**

By Senator Dibrell:

Amend by inserting in line 22, page 25, in lieu of \$300, the sum of \$420 for each year.

Lost by the following vote:

Yeas—8.

Bailey. Greer.
Burns. Harrison.
Dibrell. Neal.
Goss. Tillett.

Nays—14.

Beall. Morriss.
Bowser. Rogers.
Colquitt. Ross.
Darwin. Terrell.
Kerr. Wayland.
Lewis. Woods.
Linn of Victoria. Yantis.

Absent.

Atlee. Stafford.
Boren. Stone.
Gough. Turney.
Presler. Yett.

Excused.

Linn of Wharton.

By Senator Colquitt:

Amend line 3, page 26, by inserting \$225 in each column in lieu of \$180.

Senator Bailey moved that the amendment be laid on the table.

Tabled.

SAM HOUSTON NORMAL INSTITUTE.

No amendments.

STATE PENITENTIARIES.

By Senator Morriss:

Amend after line 14 and before line 15, page 26, as follows: "The proceeds of all convict labor and in addition thereto for making up deficiencies in the monthly expenses and to purchase material to carry on prison industries, which shall be paid out of the treasury on the warrant of the Comptroller whenever demanded by the financial agent of the State penitentiaries, to be used if needed, for each year \$50,000."

Adopted.

By Senator Morriss:

Amend page 26, line 12, by changing the amount to \$18,000.

Adopted.

(Senator Greer in the chair.)

By Senator Dibrell:

Amend by inserting between lines 12 and 13, on page 26, the following: "For purchase of farm lands to work convicts, \$100,000."

By Senator Colquitt:

Amend the amendment by inserting \$50,000 instead of \$100,000.

By Senator Bowser:

Substitute for the amendment: Amend by inserting \$50,000 for the purchase of machinery for manufacturing such articles as are not provided in Texas.

Senator Dibrell raised the point of order that the substitute was not in order, for the reason that it was not germane to pending amendment.

Not sustained.

Pending action.

On motion of Senator Presler, the regular order of business was suspended to take up on its second reading,

Senate bill No. 350, a bill to be entitled "An act to make an appropriation to defray the expense of publishing the Governor's proclamation submitting the constitutional amendments proposed by the present session of the Twenty-fifth Legislature to a vote of the qualified voters of Texas."

Bill read second time.

By Senator Wayland:

Amend page 1, line 11, by inserting "five" after the word "twenty."

By Senator Colquitt:

Amend the amendment by striking out \$20,000, and inserting \$15,000.

On motion of Senator Colquitt, further consideration of the bill was postponed until next Tuesday, May 4, after call, by the following vote:

Yeas—14.

Beall.	Linn of Victoria.
Burns.	Morriss.
Colquitt.	Neal.
Darwin.	Ross.
Dibrell.	Terrell.
Harrison.	Woods.
Kerr.	Yantis.

Nays—7.

Bailey.	Rogers.
Goss.	Tillett.
Greer.	Wayland.
Presler.	

Absent.

Atlee.	Stafford.
Boren.	Stone.
Bowser.	Turney.
Gough.	Yett.
Lewis.	

Excused.

Linn of Wharton.

(Lieutenant Governor Jester in the chair.)

Senator Yantis moved to reconsider the vote by which Senate bill No. 363 was passed, and to lay that motion on the table.

Tabled.

Senator Beall entered a motion to reconsider the vote by which the amendment offered by Senator Tillett to the Confederate Home department, to line 18, page 24, striking out \$800, and inserting \$1000 was lost.

On motion of Senator Morriss, Senator Yett was excused for absence on yesterday, and the rest of the week.

On motion of Senator Beall, Senator Turney was excused for yesterday and to-day, on account of important business.

On motion of Senator Tillett, Senator Wayland was excused for last Saturday and Monday, on account of important business.

On motion of Senator Neal, Senator Terrell was excused for last Saturday and Monday, on account of important business.

On motion of Senator Tillett, Senator Stone was excused for to-day, on account of important business.

Senator Linn of Victoria moved that the Senate adjourn to 10 a. m. tomorrow.

Lost by the following vote:

Yeas—4.

Darwin.	Terrell.
Morriss.	Woods.

Nays—18.

Bailey.	Burns.
Beall.	Colquitt.
Bowser.	Dibrell.

Goss.	Neal.
Greer.	Presler.
Harrison.	Rogers.
Kerr.	Tillett.
Lewis.	Wayland.
Linn of Victoria.	Yantis.

Absent.

Atlee.	Ross.
Boren.	Stafford.
Gough.	

Excused.

Linn of Wharton.	Turney.
Stone.	Yett.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 124, a bill to be entitled "An act to provide for the survey of lands to be set apart as a permanent endowment fund for the branch university for colored people of this State."

House bill No. 698, a bill to be entitled "An act to amend article 22 of the Revised Statutes of the State of Texas of 1895, so as to change the time of holding the terms of the district courts of Gregg and Upshur counties, and to extend the time of holding court in Gregg county, Texas."

House bill No. 603, entitled "An act to amend articles 5068, 5076, 5098 and 5130 of the Revised Civil Statutes of the State of Texas."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The above reported House bill were read first time and referred, to-wit:

House bill No. 124, to the Committee on Education.

House bill No. 698, to the Committee on Judicial Districts.

House bill No. 603, to Judiciary Committee No. 1.

COMMITTEE REPORTS.

MAJORITY REPORT.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

We, your joint committee of the Senate and House, appointed to consider the adaptation of the Torrens system of registration of land titles to the ju-

dicial system of this State, have duly considered the same and beg leave to report for the consideration of the Senate and House of Representatives the accompanying bill, and to recommend that the same be printed both in the Journal and as a bill, and that the same do pass.

KERR, Chairman;
PRESLER,
LEWIS,
BOWSER,
WOODS,

On part of the Senate.

TRACY, Chairman,
STROTHER,

On part of the House.

MINORITY REPORT.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

We, the minority of your committee appointed to investigate and report the advisability of adopting the Torrens land system of abstracts for the State of Texas, have had the same under consideration, and we are instructed to report it back with instructions that it do not pass, for the following reasons:

First. The said Torrens system has been tried in the State of Illinois and declared unconstitutional and discarded.

Second. The bill, if enacted into law, would cost the people of Texas not less than \$5,000,000, which would go into the pockets of abstract officers, as the bill provides for the establishment of new offices in every county, necessarily increasing the expenditures, therefore not in the interest of economy.

Third. That the system would if adopted open up innumerable land suits; it would call attention to every defect in the titles of hundreds of thousands tracts of land, thus making a perfect feast of land litigation, which seems to the minority to be the principal object of the bill.

FEILD,
DREW,
SKILLERN,

On part of the House.

On motion of Senator Tillett, the above reports and accompanying bill was ordered printed in the Journal.

A bill to be entitled "An act to establish a system of registration of land titles, and to provide for the officers necessary to put said system into practical operation, and to fix the fees to be paid for services rendered by

said officers, and to prescribe penalties for false and fraudulent representations made relative to such registration.

Section 1. Be it enacted by the Legislature of the State of Texas: That all judges of the county court of the several counties of this State shall hereafter be ex officio registrars of land titles in their respective counties, and their deputies when so designated by said county judges shall be deputy registrars, and all laws relative to county judges, including their compensation and fees, shall extend to registrars and their deputies, as far as they are applicable.

Sec. 2. Every county clerk, before entering upon the duties of registrar, shall give bond with good and sufficient security in the sum of \$20,000, payable to the county treasurer of the county of which such judge is to be ex officio registrar, and to be approved by the county commissioners court of such county; provided, that in counties of more than 50,000 population, according to the United States census last preceding the date of the filing of said bond, the amount of such bond shall be \$50,000, and shall be conditioned for the faithful discharge of his duties, and to deliver up all papers, books, records and other property belonging to the county or appertaining to his office as registrar of titles, whole, safe and undefaced, when lawfully required so to do; which bond shall be recorded in the records of official bonds of the county, after which it shall be deposited in the office of Secretary of State, which said bond shall not be void on first recovery, but shall be and remain of full effect until the entire amount thereof is exhausted.

Sec. 3. Such deputies as the county judge shall designate as registrar deputies may perform any and all duties of the registrar in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar, and in case of the death of such registrar or his removal from office the county commissioners court shall convene forthwith and designate the deputy of such registrar, who shall perform the duties of said office as acting registrar until such vacancy shall be filled according to law, and such acting registrar shall file a like bond and be vested with the same powers and subject to the same responsibilities and entitled to the same compensation as in the case of the registrar.

Sec. 4. No registrar nor deputy reg-

istrar shall practice as attorneys or counselors-at-law, nor be in partnership, while in office, with any attorney or counselor-at-law so practicing.

Sec. 5. The registrar may appoint in his county two or more competent attorneys to be examiners of titles and legal advisers of the registrar; their compensation shall be fixed in the same manner as that of deputy registrars.

Sec. 6. The registrar shall be liable for any neglect or omission of the duties of his office, when occasioned by a deputy or examiner of titles, in the same manner as for his own personal neglect or omission.

Sec. 7. The owner of any estate or interest in land, whether legal or equitable, and whoever has the power of appointing, or of disposing of the entire legal estate in fee simple, may apply to the registrar of the county in which the land is situated to have his title registered either in person or by an attorney in fact authorized to do so; a corporation duly authorized to do business in this State may apply by its agent, and any other person under disability by his legal guardian, or an infant by his natural or legal guardian; the person in whose behalf the application is made shall be named as applicant.

Sec. 8. No mortgage, lien, charge or lesser estate than a fee simple shall be registered, unless the fee simple to the same land is first registered.

Sec. 9. It shall not be an objection to bringing land under this act that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien or charge, but every such lesser estate, mortgage, lien or charge shall be noted upon the certificate of title and the duplicate thereof, hereinafter provided for, and the title or interest certified, shall be subject only to such estates, mortgages, liens and charges as are so noted, except as herein provided.

Sec. 10. No title derived through sale for any tax or assessment shall be entitled to be first registered, unless it shall be made to appear to the registrar that the applicant or he and those through whom he claims title have been in actual possession of the land under such title at least two years, and shall have paid all taxes and assessments legally levied against the same, or thereon, for at least two consecutive years of that time.

Sec. 11. The application shall be in writing, signed and sworn to by the

applicant or the person acting in his behalf, and shall set forth substantially:

a. The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting.

b. Whether the applicant (except in case of a corporation) is married or not, and if married, the name and residence of the husband or wife.

c. The description of the land.

d. The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

e. Whether the land is occupied or unoccupied, and if occupied the name and post office address of each occupant, and what estate or interest he has or claims in the land.

f. Whether the land is subject to any lien or encumbrance, and if any, give the name and post office address of each holder thereof, and the nature and amount of the same, and if recorded, the book and page of the record.

g. Whether any other person has any estate or claims any interest in the land, in law or in equity, in possession, remainder, reversion or expectancy, and if any, set forth the name and post office address of every such person, and the nature of his estate or claim.

h. If the applicant is a male, that he is of full age of twenty-one years, and if a female, that she is of full age of twenty-one years, or a married woman. If the application be on behalf of a minor, the age of such minor shall be stated. If the application is by a husband or wife, the other shall by endorsement thereon, acknowledged, as in the case of deeds, signify his or her assent to the registration as prayed.

Sec. 12. Any number of pieces of land in the same county, and owned by the same person, and in the same right, may be included in one application.

Sec. 13. The application may be amended only by supplemental statement in writing, signed and sworn to, as in the case of an original.

Sec. 14. (1) Upon application being filed with the registrar, he shall cause examination to be made into the applicant's title to the land, and as to the truth of the matters set forth in the application, (2) and particularly whether the land is occupied; the nature of the occupation, if occupied, and by what right; and shall notify

all persons who shall appear by the application or otherwise to have an interest in, or lien or claim upon the land, of such application; (3) a copy of which notice shall be posted upon the premises, in a conspicuous place, at least ten days before the granting of the certificate of title. (4) No applicant for the registration of any interest in land under this act shall be required to furnish with his application an abstract of title, or any other evidence, except of instruments which are not then of record in the office of the county clerk of the county in which the land is situated; but it shall be the duty of the examiners to examine, as the basis of their opinion, the full records of all instruments which are then of public record in said office, together with the original instruments or abstract thereof, of which the records have been destroyed by fire or otherwise. If any defects are found in the title which he thinks may be removed, he shall notify the applicant of the same, and give him a reasonable time to remove such defects before finally passing upon his application.

Sec. 15. If it shall be made to appear to the registrar that the facts stated in the application are true, and that the applicant is the owner of the land or interested therein, as set forth in the application, he shall issue a certificate of title, and proceed to bring the land under the operation of this act, as hereinafter provided. Otherwise, he shall dismiss the application without prejudice, and return the papers to the applicant.

Sec. 16. Any applicant may, upon payment of all fees due, withdraw his application for registration at any time prior to the issuing of a certificate of title, and the registrar shall, in such case upon request in writing signed by such applicant, return to him all abstracts of title, deeds, and other instruments deposited by him for the purpose of supporting his application.

Sec. 17. No certificate of title shall be issued in any case until the written opinion of at least two examiners shall be filed with the registrar, to the effect that the applicant has a good title to the estate or interest in the land, as stated in the application, and if the same is subject to any lesser estate, mortgage, lien, or other charge, particularly specifying the same. The estate of homestead shall be included in the term lesser estate.

Sec. 18. In case the applicant shall

die between the application and the completion of the registration, the same may be completed in the name of the applicant, and the title to the land shall devolve in like manner as if the registration had been completed prior to the death of such applicant.

Sec. 19. The registrar shall, as often as once in each week, make out and publish in a weekly newspaper published in his county, a list of all first registrations effected during the preceding week. Such notice must give a short description of the land, the abstract number of the survey, and if a subdivision of a survey such designation, by metes and bounds or otherwise as will reasonably identify the land registered, the name of registered owner and date of registration. In such notice, letters and figures may be used. When said lists are published, the registrar shall post a copy, as published, in his office, and keep the same so posted for the space of six months. He shall also, immediately upon the registration of any land, make an entry thereof upon the tract index, with a reference to the book and page of the register where the same is registered.

Sec. 20. Certificates of title shall be numbered consecutively. Every first and subsequent certificate of title shall be in duplicate and bear date the day and year of its issue, and be under the hand and official seal of the registrar, one copy of which shall be retained by the registrar and be known as the original, and the other to be known as the duplicate shall be delivered to the owner. It shall state whether the owner, except in case of a corporation, is married or not married, and if married the name of the husband or wife. If the owner is a minor, it shall state his age, if under any other disability the nature of such disability. The registrar shall note at the end of each certificate original and duplicate in such manner as to show and preserve their priorities, the particulars of all estates, mortgages, encumbrances, liens and charges, to which the owner's title is subject.

Sec. 21. The certificate of title may, subject to such changes as the case may require, be substantially in the following form:

FORM OF APPLICATION TO REGISTER.

The State of Texas, }
 County of }
 of (residence, and if a
 minor give age, if under other dis-

ability state the nature of the disability), married to (name of husband or wife, or if not married say not married), is the owner of an estate in fee simple (or as the case may be), in the following land (here describe the premises) subject to the estates, easements, incumbrances and charges hereafter noted. (In case of trust, condition or limitation, say "trust," or "upon condition," or "with limitation," as the case may be.)

Witness my hand and official seal this the day of, 18..

.....
County Judge and ex officio Registrar, County, Texas.

Sec. 22. In all cases where two or more persons are entitled as tenants in common to an estate in registered land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

Sec. 23. Upon the application of any registered owner of land, held under separate certificates of title, or under one certificate, and delivering up of such certificate or certificates of title, the registrar may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land, in accordance with such application, and as far as the same may be done consistently with any regulations at the time being in force, respecting the parcels of land that may be included in one certificate of title, and upon issuing any such certificate of title, said registrar shall endorse on the last previous certificate of title of such land so delivered up a memorial setting forth the occasion of such cancellation, and referring to the volume and page of the new certificate or certificates of title so issued.

Sec. 24. In the event of a duplicate certificate of title being lost, mislaid or destroyed, the owner, together with other persons, if any, having knowledge of the circumstances, may make affidavit before the registrar or before any officer authorized to administer oaths, stating the facts of the case, the names and description of the registered owners, and the particulars of all mortgages, encumbrances or other matters affecting such land and the title thereto, to the best of applicant's knowledge and belief, and the registrar, if satisfied as to the truth of such affidavit and the bona fides of the transaction, shall is-

sue to the owner a certified copy of the original certificate, with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause, and date of such issue, and shall also mark upon such certified copy, "Owner's Certified Copy, Issued in place of Lost" (mislaid or destroyed, as the case may be) "Certificate," and such certified copy shall stand in the place of, and have like effect as the missing duplicate certificate.

Sec. 25. The registrar shall keep a book to be known as the Register of Titles, wherein he shall enter all original certificates of title, by binding or writing them therein in the order of their numbers, with appropriate blanks for the entry of memorials and notations allowed by this act. Each certificate with blanks shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register under the terms of this act shall be entered upon the folium constituted by the last certificate of title of the land to which they relate.

Sec. 26. Before the delivery of any duplicate certificate of title, a receipt for it in the handwriting of the owner may be required by the registrar, to be signed by him when practicable, so as to prevent, as far as may be, personation or forgery. When such receipt is signed or acknowledged in the presence of a registrar or deputy, it may be witnessed by such officer. If signed elsewhere, it may be acknowledged before any officer authorized to take acknowledgments of deeds.

Sec. 27. In every case of first registration of land, or an estate or interest therein, the same shall be deemed to be registered under this act, when the registrar shall have marked upon the certificate of title in duplicate the volume and folium of the register in which the original may be found.

Sec. 28. Every transfer of registered land shall be deemed to be registered under this act, when the new certificate to the transferee shall have been marked, as in the case of first registration; and all other dealings shall be considered as registered when the memorial or notation thereof shall have been entered in the register upon the folium constituted by the existing certificate of title of the land. But for the protection of the transferee, or person claiming through any transfer or dealing, the registration shall relate back to the time of filing in the registrar's office, the deed, in-

strument or notice, pursuant to which the transfer, memorial of notation is made.

Sec. 29. The registered owner of any estate or interest in land brought under this act shall, except in case of fraud to which he is a party or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges and interest as may be noted in the last certificate of title in the registrar's office and free from all others except:

1. Any subsisting lease or agreement for a lease for a period not exceeding five years where there is actual occupation of the land under lease. The term lease shall include a verbal letting.

2. All public highways embraced in the description of the lands included in the certificate shall be deemed to be excluded from the certificate.

3. Any subsisting right of way or other easement, however created, upon, over, or in respect of the land.

4. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

5. Such right of action or counterclaim as is allowed by this act.

6. The right of any person in possession of, and rightfully entitled to, the land or any part thereof, or any interest therein adverse to the title of the registered owner at the time when the land is first brought under this act, and continuing in said possession until the issuance of such last certificate of title.

Sec. 30. After land has been registered, no title thereto, adverse or in derogation to the title of the registered owner, shall be acquired by any length of possession merely.

Sec. 31. Except in case of fraud, and except as herein otherwise provided, no person taking from the registered owner a transfer of registered land or any estate or interest therein, or of any charge upon the same, shall be held to inquire into the circumstances under which the estate or interest of such owner, or any previous registered owner was registered, or be affected with notice actual or constructive of any unregistered trust, lien, claim, demand or interest in the land, and the knowledge that any unregistered trust, lien, claim, demand or interest is in existence shall not, of itself, be imputed as fraud.

Sec. 32. In any suit for specific per-

formance brought by a registered owner of any land under the provisions of this act against a person who may have contracted to purchase such land, not having notice of any fraud or other circumstance which, according to the provisions of this act, would affect the right of the vendor, the certificate of title of such registered owner shall be held in every court to be conclusive evidence that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described.

Sec. 33. In any action or proceeding brought for ejectment, partition or possession of land, the certificate of title of a registered owner shall be held in every court to be conclusive evidence, except as herein otherwise provided, that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described; and that such registered owner is entitled to the possession of said land, except as against any person rightfully claiming possession under some estate, mortgage, lien or charge noted on the certificate.

Sec. 34. The register of any land, and duly certified copies thereof, shall, except as herein otherwise provided, be received in law and equity as evidence of the facts therein stated, and as conclusive evidence that the person named therein as owner is entitled to the land for the estate or interest therein specified. The words "heirs and assigns" shall not be necessary to create a fee simple estate of inheritance.

Sec. 35. Whenever a memorial has been entered, as permitted by this act, the registrar shall carry the same forward upon all certificates of title until the same is canceled in some manner authorized by this act.

Sec. 36. All dealings with land or any estate or interest therein, after the same has been brought under this act, and all liens, encumbrances and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this act, and to such amendments and alterations as may hereafter be made. The bringing of land under this act shall imply an agreement, which shall run with the land, that the same shall be subject to the terms of this act, and all amendments and alterations thereof.

Sec. 37. With the exceptions mentioned in section 29, no person shall commence any action at law or in

equity for the recovery of land, or assert any interest, right or lien or demand upon the same, or make entry thereon adversely to the title or interest certified in the first certificate bringing the land under the operation of this act, unless within five years after the first registration. It shall not be an exception to this rule that the person entitled to bring the action or make the entry is an infant, lunatic, or is under any disability, but action may be brought by such person by his next friend or guardian. It shall be the duty of the guardian, if there is any, to bring action in the name of his ward, whenever it is necessary, to preserve or enforce the ward's right in registered land.

Sec. 38. Any person having any interest, right, title, lien or demand, whether vested, contingent or inchoate, in, to or upon registered land which existed at the time the land is first registered, and upon or for which no cause of action shall have accrued at the date of the registration of the land, may, prior to the expiration of the said five years after such registration, file in the registrar's office a notice, under oath, setting forth his interest, right, title, lien or demand, and how, and under whom derived, and the character and nature thereof, and if such notice or counter-claim is so filed an action may be brought to assert or recover or enforce the same at any time within one year after the right of action shall have accrued thereon, or at any time within the period of five years after said first registration, and not thereafter. It shall be the duty of a life tenant or trustee to file such counter-claim on behalf of any remainder-man or reversioner, whether the remainder or reversion be at the time vested or contingent; and of a guardian to file such counter-claim on behalf of his ward.

Sec. 39. A registered owner of land, desiring to transfer his whole estate, or interest therein, or some distinct part or parcel thereof, or some individual interest therein, or to grant out of his estate an estate for life, or for a term of not less than ten years, may execute to the intended transferee a deed or instrument of conveyance in any form authorized by law for that purpose; and upon filing such deed or other instrument in the registrar's office, and surrendering to the registrar the duplicate certificate of title, and upon its being made to appear to the registrar that the transferor has the title or interest proposed to be trans-

ferred and is entitled to make the conveyance and that the transferee has a right to have such estate or interest transferred to him he shall issue in duplicate and register as hereinbefore provided a new certificate certifying the title to the estate or interest in the land desired to be conveyed, to be in the transferee, and shall note upon the original and duplicate certificate the date of the transfer, the name of the transferee and the volume and folium in which the new certificate is registered, and shall stamp across the original and surrendered duplicate certificates the word "canceled," in whole or in part, as the case may be.

Sec. 40. When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferor, a new certificate shall be issued to him for the part, estate or interest remaining in him.

Sec. 41. The registrar shall mark as filed every deed, mortgage, lease and other instrument which may be filed in his office in the order of its receipt, and shall note thereon at the date of filing the minute, hour, day and year it is received. When the date of filing any instrument is required to be entered upon the register, it shall be the same as that endorsed upon such instrument.

Sec. 42. All instruments, notices, and papers required or permitted by this act to be filed in the office of the registrar shall be retained and kept in his office.

Sec. 43. Like forms of deeds, mortgages, leases and other instruments as are now or may hereafter be sufficient in law for the purpose intended, may be used in dealing with registered land and any estate or interest therein.

Sec. 44. On all instruments presented to the registrar for registration shall be endorsed the name and address of the person so presenting the same, and all notices by the registrar or other person relating to the land therein described may be served upon such person at such address. The address may be changed from time to time by such person filing with the registrar a written notice of such change.

Sec. 45. A deed, mortgage, lease or other instrument purporting to convey, transfer, mortgage, lease, charge or otherwise deal with registered land or any estate, or interest therein, or charge upon the same, other than a will, or lease not exceeding five years where the land is in actual posses-

sion of the lessee or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the registrar to register the transfer, mortgage, lease, charge or other dealing, upon compliance with the terms of this act. On completion of such registration, the land, estate, interest, or charge shall become transferred, mortgaged, leased, charged or dealt with according to the purport and terms of the deed, mortgage, lease or other instrument.

Sec. 46. No transfer of title to land or any estate or interest therein, or mortgage shall be registered until it shall be made to appear to the registrar that the land has not been sold for any tax or assessment upon which a deed has been given, and the title is outstanding, or upon which a deed may thereafter be given, nor until it shall appear that the dower, right of dower and estate of homestead, if any, have been released or extinguished, unless the transfer or mortgage is intended to be subject thereto, in which case it shall be so stated in the certificate of title.

Sec. 47. Every certificate of title to land shall state whether the transferee (except when the latter is a corporation) is married or not married, and if married, the name of the husband or wife. The transferee shall furnish the registrar the necessary information before he shall be entitled to have the land transferred to him on the register.

Sec. 48. Every mortgage, lease for a term not exceeding ten years, contract to sell, and other instrument intended to create a lien, encumbrance or charge upon registered land or any interest therein, shall be deemed to be a charge thereon, and may be registered as hereinafter provided.

Sec. 49. On the filing of the instrument intended to create the charge in the registrar's office, and the production of the duplicate certificate of title, and it appearing to the registrar that the person intending to create the charge has the title and right to create such charge, and that the person in whose favor the same is sought to be created is entitled by the terms of this act to have the same registered, he shall enter upon the folium of the register, and also upon the duplicate certificate, a memorial of the purport thereof, and the date of filing the instrument with a reference thereto by its file number, which memorial shall be

signed by the registrar. The registrar shall also note upon the instrument on file the volume and folio of the register where the memorial is entered.

Sec. 50. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and be subject to the same rules as a mortgage.

Sec. 51. When any mortgage, lease or other instrument creating or dealing with a charge upon registered land or any estate or interest therein is in duplicate, triplicate or more parts, only one of the parts need be filed or kept in the registrar's office; but the registrar shall note upon the register whether the same is in duplicate, triplicate, or as the case may be, and shall also mark upon the others "Mortgagee's Duplicate," "Lessor's Duplicate," "Lessee's Duplicate," or as the case may be, and note upon the same the date of filing and the volume and folium of the register where the memorial is entered, and deliver them to the parties entitled thereto.

Sec. 52. When an instrument is not executed in a sufficient number of parts for the convenience of the parties, the registrar may make and deliver to each of the parties entitled thereto certified copies of the instrument filed in his office, with the indorsements thereon, marking the same "mortgagee's certified copy," "lessor's certified copy," or as the case may be, and shall note upon the register the fact of issuing such copies. Such certified copies shall have the same force and effect and be treated as duplicates.

Sec. 53. The holder of any charge upon registered land, desiring to transfer the same or any part thereof, may execute an assignment of the whole or any part thereof, and upon such assignment being filed in the office of the registrar and the production of the duplicate or certified copy of the instrument creating the charge held by the assignor, the registrar shall enter in the register opposite the charge a memorial of such transfer, with a reference to the assignment by its file number; he shall also note upon the instrument on file in his office intended to be transferred, and upon the duplicate or certified copy thereof produced, the volume and folium where the memorial is entered, with the date of the entry. The transferee shall be entitled to have a certified copy of the instrument of transfer, with the indorsement thereon, and, in case of the transfer of the entire charge, the du-

plicate or certified copy of the instrument creating the charge.

Sec. 54. A release, discharge or surrender of a charge, or any part thereof, or of any part of the land charged may be effected in the same way as above provided in case of a transfer. In case only a part of the charge or of the land is intended to be released, discharged or surrendered, the entry shall be made accordingly, but when the whole is released, discharged or surrendered at the same or several times the registrar shall stamp across the instrument on file and the memorial thereof and the duplicate or certified copy produced the word "canceled."

Sec. 55. All charges upon registered land or any estate or interest in the same, and any rights thereunder, may be enforced as now allowed by law, and all laws with reference to the foreclosure and release or satisfaction of mortgages shall apply to mortgages upon registered lands or any estate or interest therein, except as herein otherwise provided, and except that until notice of the pendency of any suit to enforce or foreclose such charge is filed in the registrar's office, and a memorial thereof entered upon the register, the pendency of such suit shall not be notice to the registrar or any person dealing with the land or any charge thereon.

Sec. 56. Before any person can convey, charge or otherwise deal with any registered land or any estate or interest therein, as attorney in fact for another, the deed or instrument empowering him so to act shall be filed with the registrar, and a memorial thereof entered upon the register in like manner as in case of a charge. If the attorney shall so desire, the registrar shall deliver to him a certified copy of the power of attorney, with the indorsements thereon. Revocation of a power of attorney may be registered in like manner.

Sec. 57. Whenever a deed or other instrument is filed in the registrar's office for the purpose of effecting a transfer of, or charge upon, registered lands, or any estate or interest in the same, and it shall appear that the transfer or charge is to be upon some trust, condition or limitation expressed in such deed or instrument, the registrar shall, unless such deed or instrument directs to the contrary, note in the certificate or duplicate thereof or memorial the words "in trust," or "upon condition," or "with limitations," as the case may be, and no transfer or charge upon or dealing

with the land, estate or interest shall thereafter be registered, except upon the written opinion of two examiners that such transfer, charge or dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

Sec. 58. If the registrar is satisfied that the proposed transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation, he shall proceed to register the same, and such registration shall be conclusive evidence in favor of the person taking such transfer, charge or other right, and those claiming under him, in good faith and for a valuable consideration, that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

Sec. 59. Lands and any estate or interest therein, registered pursuant to this act, shall, upon the death of the owner, go to the personal representative of the deceased in like manner as personal estate, whether the owner dies testate or intestate, and shall be subject to the same rules of administration as if the same were personalty, except as otherwise provided in this act, and except that the rule of division shall be the same as in the descent of real property.

Sec. 60. Before the personal representative of a deceased owner of registered land, or any estate or interest therein, shall deal with the same he shall file in the registrar's office a certified copy of his letters of administration, or if there is a will a certified copy of the same and of the letters testamentary, or of administration, with the will annexed, as the case may be, and shall produce the duplicate certificate of title, and thereupon the registrar shall enter upon the register, and the duplicate certificate, a memorial thereof, with a reference to the letters or will and letters by their file number, and the date of filing the same.

Sec. 61. Except in case of will devising the lands to an executor to his own use, or upon some trust, or giving to the executor power to sell, no sale or transfer of registered land shall be made by the executor or by an administrator in the course of administration for the payment of debts or otherwise, except in pursuance of an order of a competent court, obtained as provided by law.

Sec. 62. But a memorial of the will and letters testamentary, or of letters

of administration being first entered upon the register, as herein provided, the executor or administrator may deal with mortgages, leases, and other personal interests in or upon registered land, as if he were the registered owner thereof.

Sec. 63. Where it appears by the will, a certified copy of which, with letters testamentary, is filed, as provided in this act, that registered land is devised to the executor to his own use, or upon some trust, the executor may have the land transferred to himself upon the register, in like manner and subject to like terms and conditions and with like rights, as in case of a transfer pursuant to a deed filed in the registrar's office.

Sec. 64. When the will of a deceased owner of registered land, or any estate or interest therein empowers the executor to sell, convey, encumber, charge or otherwise deal with the land, it shall not be necessary for such executor to be registered as the owner, but a certified copy of the will and letters testamentary being filed as provided in this act, such executor may sell, convey, encumber, charge or otherwise deal with the land, pursuant to the power in like manner, as if he were the registered owner (subject to the like conditions as to the trust, limitations and conditions expressed in the will, as in the case of trusts, limitations and conditions expressed in a deed.

Sec. 65. Before making distribution of undivided registered land, the executor or administrator shall file in the registrar's office a certified copy of the proof of heirship made in the court having jurisdiction of estates of deceased persons in such matters, which shall be conclusive evidence in favor of all persons thereafter dealing with the land, that the persons therein named as the only heirs-at-law of the deceased owner, are such heirs.

Sec. 66. The court of probate may, for the purpose of the distribution of the estate, order registered lands, or any estate or interest herein, to be sold by the executor or administrator, and upon the filing of a certified copy of the order of sale and order of confirmation of the sale, and the deeds in pursuance of the same, in the registrar's office, a transfer of the land, estate or interest to the purchaser may be made upon the register, as in case of other sales by deed.

Sec. 67. Whenever, after expiration of the time fixed for the adjustment of claims against the estates of the

deceased, and after proof of heirship, it shall be made to appear to the court of probate that the estate will justify it, the court may direct the executor or administrator to make over and transfer to the devisees or heirs, or some of them, in anticipation of the final distribution, a portion of the whole of the registered lands to which they might be entitled on final distribution. And upon the filing of a certified copy of such order in the registrar's office, the executor or administrator may cause such transfer to be made upon the register in like manner, as a case of sale. The land so transferred shall be held free from all liens or claims against the estate. In the proceedings to procure such direction, such notice shall be given as the court of probate may direct.

Sec. 68. For the purpose of final distribution, the court of probate may determine the right of all persons in registered lands, or any estate or interest therein of the deceased, declare and enforce the rights of devisees, heirs, persons entitled to dower and homestead, and make partition and distribution according to the rights of the parties. The court may give direction to the executor or administrator as to the transfer of registered land, and any estate or interest therein to the devisees or heirs and may direct the transfers to be to several devisees or heirs or tenants in common or otherwise, as shall appear to the court to be most convenient, consistently with the rights of the parties, or as the parties interested may agree.

Sec. 69. Before any assignee for the benefit of creditors, receiver, master in chancery, special commissioner or other person appointed by court shall deal with or transfer registered land or any estate or interest therein, he shall file in the registrar's office a certified copy of an order of the court, showing that such assignee, receiver, master in chancery, special commissioner or other person is authorized to deal with or transfer such land, estate or interest, and if it is in the power of such person he shall present to the registrar the duplicate certificate of title; and thereupon the registrar shall enter upon the register and the duplicate certificate, if presented, a memorial thereof with a reference to such order by its file number. In the case of a deed of the land to the assignee or receiver, the same shall be filed in the registrar's office as in other cases.

Sec. 70. Such memorial having been entered, the assignee, receiver, master in chancery, special commissioner or other person may, subject to the direction of the court, deal with or transfer such land as if he were the registered owner.

Sec. 71. The holder of any certificate of sale of registered land or any estate or interest therein for any tax, assessment or imposition, shall within three months after the date of such sale present the same to the registrar, who shall thereupon enter upon the register of the land a memorial thereof, stating the day of sale and the date of presentation, and shall also note upon the certificate of sale the date of presentation and the book and page of the register where the memorial is entered. The holder of such certificate shall also, within the same time, mail to each of the persons who appear by the register to have any interest in the land, a notice of the registration of such certificate. Unless such certificate is presented and registered, and notice given as herein provided, within the time above mentioned, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance of such certificate. When it shall appear by the affidavit of the holder of the certificate filed with the registrar that the place of residence of any person interested in the land can not, upon diligent inquiry, be ascertained, the requirement of this section as to mailing notice shall not apply to such person.

Sec. 72. A tax deed of registered land, or an estate or interest therein, issued in pursuance of any sale for taxes, or assessment made after the taking effect of this act, shall have only the effect of an agreement for the transfer of the title upon the register, and may be filed in the registrar's office, and a transfer effected as in case of other deeds of conveyance. But no certificate of title shall be issued thereon until after the expiration of two years after the date of filing such deed, nor unless the deed is so filed within 60 days of its date, nor unless it shall be made to appear to the registrar that the time for redemption allowed by law to any minor heir, idiot or insane person interested in the land has expired, nor unless it shall appear to the registrar that all persons appearing upon the register to be interested in the land, whose places of residence can, upon diligent inquiry, be ascertained, and the person who appears

by the collector's books to have paid the tax last paid before the sale on which the deed is issued, and every person in occupation of the land, has had at least 90 days' notice of the application for such certificate of title; and that the terms of this act have been complied with. The notice required may be given upon persons residing in the county by personal service, and by persons living out of the county by mail. Any person interested in the land may show as cause why such certificate of title shall not issue any fact that might be shown on a bill in equity on his behalf to set aside such deed.

Sec. 73. No suit or proceeding at law or in equity for any purpose whatever, affecting registered land or any estate or interest therein or any charge upon the same, shall be deemed to be lis pendens, or notice to any person dealing with the same, until a certificate of the pendency of such suit, bill or proceeding under the hand and official seal of the clerk of the court in which it is pending shall be filed with the registrar, and a memorial entered by him upon the register of the last certificate of the title to be affected. This section shall not apply to attachment proceedings when the officer making the levy shall file his certificate of levy as herein provided.

Sec. 74. No judgment, decree or order of any court shall be a lien upon or affect registered land or any estate or interest therein, until a certificate under the hand and official seal of the clerk of the court in which the same is of record, stating the date and purport of the judgment, decree or order, or a certified copy of such judgment, decree or order, or a certified ment, decree or order is filed in the office of the registrar, and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

Sec. 75. Whenever registered land is levied upon by virtue of any writ of attachment, execution or other process, it shall be the duty of the officer making such levy to file with the registrar a certificate of the fact of such levy, a memorial of which shall be entered upon the register, and no lien shall arise by reason of such levy until the filing of such certificate and entry in the register of such memorial, any notice thereof, actual or constructive, to the contrary notwithstanding.

Sec. 76. Any claim which is or may be by law secured by lien on real estate, by recording or otherwise, may,

in the case of registered lands, be filed in the registrar's office, instead of with the clerk of the court mentioned in the law establishing such lien; and being so filed, a memorial thereof shall be entered by the registrar, as in the case of other charges and proceedings to enforce the lien may be had, as provided in this act. Until it is so filed and registered, no such lien shall be deemed to have been created.

Sec. 77. Any person making any claim to or asserting any lien upon registered land not shown upon the register, or adverse to the title of the registered owner, and no other provision is herein made for asserting the same in the registrar's office, may make affidavit thereof, setting forth his interest, right, title, lien or demand, and how, and under whom derived, and the character and nature thereof. The affidavit shall state his place of residence, and also his place of business, if he has one, and designate a place at which all notices relating thereto may be served. Upon the filing of such affidavit in the office of the registrar, the latter shall enter a memorial thereof, as in case of a charge.

Sec. 78. No statutory or other lien shall be deemed to affect the title to registered land until after a memorial thereof is entered upon the register, as herein provided.

Sec. 79. The certificate of the clerk of the court in which any suit, bill or proceeding shall have been pending, or any judgment or decree is of record, that such suit, bill or proceeding has been dismissed or otherwise disordered has been satisfied, released, reversed or overruled, or any sheriff or other officer, that the levy of any execution, attachment or other process certified by him, has been released, discharged, or otherwise disposed of, being filed in the registrar's office and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such suit, bill, proceeding, judgment, decree, or levy, according to the purport of such certificate.

Sec. 80. Whenever any person interested in registered land, or any estate or interest therein, or charge upon the same, shall be entitled to have any certificate of title, memorial or other entry upon the register canceled, removed or modified, and the registrar or other person whose duty it shall be to cancel, remove or modify the

same, or do any act towards the same, shall, upon request, fail or refuse so to do, or is absent from the county, or can not be found, or for any other reason such request can not be made upon him, the judge of the district court of the district wherein such county is located, upon petition of the person interested, duly filed and docketed in such county may, in term, time or vacation make such order, after investigation of the facts set out in such petition, as he finds the petitioner entitled to either in law or equity, and cause such order to be entered upon the minutes of the district court in such county, and upon a certified copy of such order being filed in the registrar's office, the registrar shall make such cancellation, removal or modification as shall be decreed in such order.

Sec. 81. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any manner pertaining to the first registration of land or any estate or interest therein, or any subsequent transfer or charge upon the same, the filing or neglect or refusal to file any instrument, or to enter or cancel any memorial or notation, or to do any other thing required of him by this act, or on account of any mistake or omission of the registrar, may file his petition in the district court, making the registrar and all other persons whose interest may be affected, parties defendant, and the court may proceed as in other cases to try the issues and make such order or decree as the facts show the plaintiff legally and equitably entitled to under the provisions of this act. When it shall appear by the allegations of the petition to be appropriate to the relief sought, the court may hear and determine all matters affecting the title or interest of the petitioner, and for the quieting of the title, and removing of clouds therefrom.

Sec. 82. The court may, in any case contemplated in sections 80 and 81, in addition to the costs, award such damages, including such reasonable attorneys' fees as may be deemed just in the premises.

Sec. 83. The registrar shall keep tract indices, in which shall be entered in the lands registered in the numerical order of their abstract number, according to the abstract furnished by the Commissioner of the General Land Office, and in case of subdivisions of original grants, the lots and blocks therein, and the names of the owners,

with a reference to the volume and page of the register, in which the lands are registered.

Sec. 84. The registrar shall also keep alphabetical indices in which shall be entered the names of all registered owners and all other persons interested in, or holding charges upon registered land, a short description of the land, and nature of the dealing, with reference to the volume and page of the register in which the land is registered.

Sec. 85. Any person who fraudulently procures, assists in fraudulently procuring, or is in any way privy to the fraudulent procurement of any certificate of title or other instrument, or of any entry in the register or other book kept in the registrar's office, or of any erasure or alteration of any entry in any of said book or books, or of any instrument authorized by this act, or knowingly defrauds, or is privy to defrauding any person, by means of a false or fraudulent instrument, certificate, affidavit or statement affecting registered land, shall upon conviction be punished by fine not exceeding \$5000, and by imprisonment in the penitentiary not less than one year nor more than five years, or either or both in the discretion of the court or jury trying the same.

Sec. 86. Any person who forges, or procures to be forged, or assists in forging, the seal of the registrar, or the name, signature or handwriting of any officer of the registry office, in cases where such officer is expressly or impliedly authorized to affix his signature; or fraudulently stamps, or procures to be stamped, or assists in stamping, any document with any forged seal of said registrar; or forges or procures to be forged, or assists in forging the name, signature or handwriting of any person whomsoever, to any instrument which is expressly or impliedly authorized to be signed by such person; or uses any document upon which any impression, or part of the impression, of any seal of said registrar has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, knowing the same to have been forged, or swears falsely concerning any matter or proceeding made and done in pursuance of this act, shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than two years nor more than ten years.

Sec. 87. No proceeding or conviction

for any act herein declared to be a penal offense shall affect any remedy which any person aggrieved, injured or damaged by such act may be entitled at law or in equity against the person who has committed such act, or against his estate.

Sec. 88. The fees of the registrar shall be as follows:

On the filing of any application for first registration, the applicant shall advance the sum of \$10, which shall be in full of all services of the registrar and examiners up to the granting of the certificate of title. When the application includes titles derived from more than one source, an additional sum of \$2 for each source shall be advanced.

For granting certificate of title upon each application, and registering the same, \$2.

For registering each transfer, including the filing of all instruments connected therewith and the issue and registration of the new certificate of title, \$2.

When the land transferred is held upon any trust, condition or limitation, an additional fee of \$2.

For entering each memorial on the register, including the filing of all instruments and papers connected therewith and endorsements upon duplicate certificates, \$2.

For filing copy of will with letters testamentary, or filing copy of letters of administration and entering memorial thereof, \$2.

For the cancellation of each memorial or charge, 50 cents.

For each certificate showing the condition of the register, 50 cents.

For any certified copy of register, or any instrument of writing on file in his office, the same fees now allowed by law to county clerks for like services.

All fees collected by the registrar or other officer under this act shall be paid into the county treasury once every 30 days.

Sec. 89. This act shall be construed liberally, so far as may be necessary for the purpose of effecting its general intent.

Sec. 90. Upon the first bringing of land under the operation of this act, consequent upon the application of the owner, as hereinbefore provided, and upon the issuance of a certificate of title pursuant to section 72, and also upon the entry of a new certificate showing some one, either by devise or descent, as registered owner, there

shall be paid to the registrar one-tenth of 1 per cent of the value of such land. Such value shall be ascertained by the registrar.

Sec. 91. All sums of money received as aforesaid shall be paid by the registrar to the county treasurer of the county in which the land is situated for the purpose of an indemnity fund under the terms of this act. It shall be the duty of the treasurer to invest all of said fund, principal and income, in his hands from time to time, if not immediately required for payment of indemnities, in the manner herein provided, and report annually to the county court the condition and income thereof. All investments of the fund, or any part thereof, shall be made with the approval of said court, by order entered of record. The said fund shall only be invested in such securities as the laws of this State, in force at the time such investment is made, permit the permanent school fund to be invested in.

Sec. 92. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar, or of any examiner of titles, or of any deputy of the registrar in the performance of their respective duties under the provisions of this act, and any person wrongfully deprived of any land or any interest therein, through the bringing of the same under the provisions of this act; or by the registration of any other person or owner of such land; or by mistake, omission or misdescription in any certificate, or in any entry or memorandum in the registry book, and who, by the provisions of this act, is barred or in any way precluded from bringing an action for the recovery of such land or interest therein, or claim upon the same, may bring an action against the treasurer of the county in which such land is situated for the recovery of damages, to be paid out of the indemnity fund. If such action be for the recovery of loss or damage arising only through any omission, mistake or misfeasance of the registrar, or of any examiner of titles, or any deputy or clerk of the registrar in the performance of their respective duties under the provisions of this act, then the county treasurer shall be the sole defendant for such action. But if such action be brought for loss or damage arising only from the fraud or wrongful act of some person or persons other than the registrar, his examiners of titles, deputies and clerks; or arising jointly through the

fraud or wrongful act of such other person or persons, and the omission, mistake or misfeasance of the registrar, his examiners of title, deputies or clerk, then such action shall be brought against both the county treasurer and such person or persons aforesaid. In all such actions where there are defendants other than the county treasurer, and damages shall have been recovered, no final judgment shall be entered against the county treasurer until execution against the other defendants shall be returned unsatisfied in whole or in part; and the officer returning the execution shall certify that the amount still due upon the execution can not be collected, except by application to the indemnity fund. The court being satisfied of the truth of such return made upon proper showing, may order the amount of the execution and costs, or such part as shall remain unpaid, to be paid by the county treasurer out of the indemnity fund. It shall be the duty of the district attorney resident in the county, or the county attorney, if there be one, to appear and defend all suits that may affect such land. Provided, that where this section permits other persons to be sued jointly with the county treasurer, if the plaintiff allege and show to the satisfaction of the court that such other person is notoriously insolvent, judgment final may be entered against the county treasurer against the indemnity fund at the trial of the cause, and without having issued execution against such insolvent party.

Sec. 93. No action or proceeding for compensation for or by reason of any deprivation, loss or damage occasioned or sustained, as provided in this act, shall be made, brought or taken, except within a period of ten years from the time when the right to bring or take such action first accrued; except that if at the time when such right of action first accrued, the person entitled to bring such action or take such proceeding is within the age of twenty-one years, or insane, imprisoned, or absent from the United States in the service of the United States or this State; such person or any one claiming from, by, or under him, or her, may bring the action or take the proceeding at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

Sec. 94. The provisions of this act shall not apply to land in any county

until this act shall have been adopted by a majority vote of the qualified electors of the county at an election to be held for the purpose of submitting the same to such vote. Whenever 10 per cent of the voters of any county, according to the vote polled at the last general election shall petition the county commissioners court to order an election for that purpose, the court shall order such election to be held at a time not exceeding 60 days from the date of such order. Notice of such election shall be given pursuant to the general laws governing elections, and all the details of holding election and counting and returning ballots shall conform to the election laws in force when such election is held. Those favoring the adoption of the provisions of this act shall have printed or written on their ballots "For the Torrens land title system," and those opposing its adoption shall have written or printed upon their ballots, "Against the Torrens land title system." If a majority of the votes shall be in favor of adopting this act, the county commissioners court shall enter an order upon the minutes of their proceedings so declaring, and this act shall thereafter be in force in said county. All laws governing the return and counting of the vote for county officers shall apply to elections under this section.

Joint resolution to amend section 15, of article V, of the Constitution of the State of Texas:

Section 1. Be it resolved by the Legislature of the State of Texas: That section 15, of article V, of the Constitution of the State of Texas, be and the same is hereby amended so that hereafter it shall provide as follows:

"Sec. 15. There shall be established in each county in this State a county court, which shall be a court of record; and there shall be elected in each county by the qualified voters a county judge, who shall have been a practicing lawyer or judge of a court of record for at least two years previous to his qualification as such judge; he shall be a conservator of the peace, and shall have and exercise such powers and jurisdiction as registrar of land titles as may be conferred upon him by law; and shall hold his office for two years, and until his successor is elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law."

Sec. 2. The Governor of the State is hereby directed to issue the neces-

sary proclamation, submitting this amendment to a vote of the qualified voters of this State at the next general election, to be held on the first Tuesday after the first Monday in November, 1898, and to have said proclamation and this resolution published before said election, as required by law. Those favoring this amendment shall have printed or written on their tickets 'For the Amendment to Section 15, of Article V, of the Constitution of the State of Texas, relating to the qualifications, powers and jurisdiction of County Judges,' and those opposed to this amendment shall have printed or written on their tickets, "Against the Amendment to Section 15, of Article V, of the Constitution of the State of Texas."

KERR, Chairman;

LEWIS,

PRESLER,

BOWSER,

WOODS.

On part of the Senate.

TRACY, Chairman;

STROTHER,

On part of the House.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 371, a bill to be entitled "An act to amend article 252 of the Revised Civil Statutes of Texas, relating to the garnishment of wages, fees or compensation for personal services."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 372, entitled "An act to amend the caption and sections 1, 2, 3, and 4, of an act to amend sections 6, 7, 105, 105a, 105b, and 105c, of an act to amend sections 38, 103, 105, 106 and 108 of an act entitled an act to incorporate the city of Fort Worth and grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88 and 102 of said act, as amended by the Twenty-second Legislature in 1891; and to add thereto sec-

tions 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106a, 106b, and also 105a, 105b and 105c, in reference to the Board of Equalization, and providing for an appeal from said board to the district court, passed by the Legislature of Texas in the year of 1895, and to add to said act the following sections, to-wit, 105d, 105e, 105f, 105g, 105h, 105n, 105o, and 105p, and to repeal all laws and parts of laws in conflict with this act, passed by the Twenty-fifth Legislature in the year 1897, and to re-enact the caption and sections 1, 2, 3 and 4 of said act, as the same are hereby amended, and to repeal all laws and parts of laws in conflict with this act,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 366, a bill to be entitled "An act for the establishment of a public park on the site of the battle field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 16, a resolution granting leave of absence from the State to Judge Eugene Archer,

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Education, to whom was referred

House bill No. 124, a bill to be entitled "An act to provide for the survey of lands to be set apart as a permanent endowment fund for the

branch university for the colored people of this State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PRESLER, Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 322, a bill to be entitled "An act to create a more efficient road system for Ellis county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act."

And find the same correctly enrolled, and I have this day, at 4:45 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 300, entitled "An act to diminish the civil and criminal jurisdiction of the county court of King and Stonewall counties; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith,"

And find the same correctly enrolled, and I have this day, at 4:45 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, April 27, 1897.

Hon. George T. Jester, President of the Senate.**Your Committee on Enrolled Bills have carefully examined and compared**

Senate bill No. 133, entitled "An act to define and prescribe the time for holding terms of the Courts of Civil Appeals in the State of Texas,"

And find the same correctly enrolled, and have this day, at 4:45 p. m., presented the same to the Governor for his approval.**ROGERS, Chairman.**

Senator Dibrell moved that the Senate adjourn to 10 a. m. to-morrow.

Senator Harrison moved that the Senate adjourn to 10 a. m., Friday morning.

Lost by the following vote:

Yeas—10.

Beall.	Lewis.
Bowser.	Morriss.
Burns.	Presler.
Harrison.	Tillett.
Kerr.	Wayland.

Nays—12.

Bailey.	Neal.
Colquitt.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Greer.	Woods.
Linn of Victoria.	Yantis.

Absent.

Atlee.	Gough.
Boren.	Stafford.
Darwin.	

Excused.

Turney.	Linn of Wharton.
Stone.	Yett.

The Senate then adjourned to 10 a. m. to-morrow.

EIGHTY-SECOND DAY.

Senate Chamber,

Austin, Tex., Wednesday, April 28.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Harrison.
Burns.	Lewis.
Darwin.	Linn of Victoria.
Dibrell.	Neal.
Goss.	Rogers.

Ross.
Tillett.
Turney.
Wayland.

Woods.
Yantis.
Yett.

Absent.

Bailey.	Kerr.
Beall.	Morriss.
Boren.	Presler.
Bowser.	Stafford.
Colquitt.	Stone.
Gough.	Terrell.
Greer.	

Excused.

Linn of Wharton.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Accept the gratitude of our hearts for the many favors we have received at Thy hands. We plead our shortcomings, mistakes and imperfections. We realize our helplessness to change our sinful souls to righteousness and be able to shun the fens and quicksands of sin in the future. Do Thou forgive us, and reinstate us in Thy favor, and by Thy grace lead us in the paths of peace and righteousness. Guide us to-day in all we do, for Christ's sake. Amen.

On motion of Senator Linn of Victoria, the Senate adjourned to 10 a. m. to-morrow.

EIGHTY-THIRD DAY.

Senate Chamber,

Austin, Tex., Thursday, April 29.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Rogers.
Burns.	Ross.
Dibrell.	Tillett.
Goss.	Turney.
Harrison.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Neal.	Yett.
Presler.	

Absent.

Bailey.	Gough.
Beall.	Greer.
Boren.	Kerr.
Bowser.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.

Excused.

Linn of Wharton. Morriss.